

October 2, 2020

RE: Temporary Waiver of the requirements regarding the special registration plate issuance process as a result of the Governor's March 17 Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

To whom it may concern:

On March 17, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

As a result of the emergency referenced above, county treasurers have requested suspension of Iowa Administrative Rule 761—401.2(2)(b). That rule requires surrender of a previously issued registration plate prior to the issuance of a special registration plate, that the special registration plate is void if the plate remains unassigned 90 days after being ordered, and that a new application and issuance fee are required if the plates are reordered after the 90-day period. Because of the recommended social distancing measures under this disaster emergency, there is a desire to reduce the number of in-person transactions occurring at county treasurer locations and this a prime example of a transaction that could easily be transitioned to mail or drop-off process but for the provisions required under this rule.

On behalf of the Iowa Department of Transportation, I am accepting this request as a petition for rule waiver under 761 Iowa Administrative Code chapter 11, which allows me to grant a waiver when application of a rule would pose a hardship that is undue, when the waiver would not prejudice the substantial legal rights of any person, when the rule provisions are not mandated by statute or other provisions of law and when equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver or variance is requested.

This rule implements Iowa Code § 321.34, which governs the requirements for issuance of registration plates. However, the requirements that a previously issued registration plate be surrendered prior to issuance of a special registration plate, that a special registration plate is void if it remains unassigned 90 days after being ordered, and that a new application and issuance fee are required if the plates are reordered after the 90-day period are requirements of administrative rule 761—401.2(2)(b), but are not explicitly mandated by statute or other provision of law.

Accordingly, as director, I find that under the authority cited, I may take the following action to provide relief from the following administrative rule applicable to issuance of special registration plates:

- Iowa Administrative Rule 761—401.2(2)(b) stating that "Special registration plates shall not be issued unless...the registration plates previously issued are surrendered to the county treasurer. Special registration plates are void if they are not assigned to a vehicle within 90 days after the date the department orders them. A new application and a new issuance fee are required if the plates are reordered after the 90-day period."

I hereby waive the listed portions of the above-referenced rule specifically related to the requirements that a previously issued registration plate be surrendered prior to issuance of a special registration plate, that a special registration plate is void if it remains unassigned 90 days after being ordered, and that a new application and issuance fee are required if the plates are reordered after the 90-day period, as those

requirements would be an undue hardship during this public health emergency. I find that equal protection of the public health, safety, and welfare can be met by allowing a county treasurer to mail the new special registration plate to the customer and by allowing the customer to surrender the previously issued registration plate to the county treasurer by mail or by drop-off and by allowing more than 90 days before the special registration plate is voided and before a new order and fee payment is required.

This decision does not waive the portion of the above-referenced rule requiring a new order and fee payment once the special registration plate is voided nor does it waive any other provisions of administrative rule or Iowa law related to issuance of regular or special registration plates.

This waiver shall become effective immediately and shall end March 1, 2021.

Please contact Daniel Yeh, by email at daniel.yeh@iowadot.us or by telephone at (515) 237-3325 if you have any questions about this decision

Sincerely,



Scott Marler, Director